

Amendment No. 2 to SB2451

Watson
Signature of Sponsor

AMEND Senate Bill No. 2451*

House Bill No. 2598

by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 63-10-301, is amended by deleting the section in its entirety and substituting instead the following:

Section 63-10-301.

(a) There shall exist and be maintained within this state a board of pharmacy. The board shall consist of seven (7) members, one (1) of whom shall be a consumer, who shall enforce parts 2-5 of this chapter and all laws that pertain to the practice of pharmacy, and shall cooperate with other state and federal governmental agencies regarding any violations of any pharmacy drug or drug-related laws. The board has all of the duties, powers, responsibilities and authority specifically granted or necessary to the enforcement of parts 2-5 of this chapter, as well as other duties, powers, responsibilities and authority that may be granted by law.

(b) The governor shall appoint the members of the board, and shall make appointments so that the pharmacist members of the board shall be graduates of a recognized school or college of pharmacy. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that one (1) person serving on the board is a member of a racial minority.

(c) No pharmacist shall be eligible for appointment to the board unless such person has been a pharmacist under this or some other law of this state for

a period of at least five (5) years, and during the terms of such person's incumbency shall be actively engaged in the practice of pharmacy.

(d) No consumer shall be eligible for appointment to the board to represent the public at large unless such person has been a resident of Tennessee for at least five (5) years, currently resides in Tennessee and is a non-health care professional by education. The consumer member shall not own, or have any financial or other interest in, any health care facility or business.

(e)

(1) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (1)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (1)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and

to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (1)(C) shall apply to persons serving on the board as of July 1, 2010 and to persons appointed to the board subsequent to such date.

(2) A person who violates the provisions of this subsection shall be subject to the penalties prescribed in title 3, chapter 6.

(3) The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(f) The terms of appointment shall be for six (6) years, or until their successors have qualified, and no member of the board is eligible for reappointment.

(g) The Tennessee Pharmacists Association may annually recommend five (5) duly qualified persons for each vacancy from whom the governor may be requested to make appointments. Appointees to the board shall, within ten (10) days after appointment, make oath or affirmation to be filed with the secretary of state that they will faithfully and impartially perform their duties.

(h) Members guilty of misconduct may be removed by the governor upon the recommendation of the remaining members. Vacancies occurring other than

by expiration of terms may be filled as to unexpired terms by the governor from the most recent list of nominees of the Tennessee Pharmacists Association.

(i) The members of the board shall be entitled to a per diem of one hundred dollars (\$100) for each day's service in attending meetings of the board and other administrative functions of the board, as well as the necessary expenses for traveling and subsistence while attending the meetings and performing the other administrative functions. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION __. Tennessee Code Annotated, Section 63-10-302, is amended by deleting the section in its entirety.